

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOSTAFA FAWZI ASSI,

Plaintiff,

No. 19-10508

v.

District Judge Linda V. Parker
Magistrate Judge R. Steven Whalen

ELIZABETH PETSCHE, ET AL.,

Defendants.

ORDER

On February 2, 2019, Plaintiff Mostafa Fawzi Assi filed a *pro se* civil complaint, and on March 4, 2019 he filed an amended complaint [Doc. #8]. Before the Court is his motion to redact the name of his daughter, a minor child, from Exhibit 1 of the amended complaint [Doc. #21]. Exhibit 1 is an excerpt from *Communique Magazine*, a publically available publication of the Michigan State University College of Osteopathic Medicine. The article is a short biographical sketch of the Plaintiff, who was then an osteopathic student. *See Pg. ID 46-47.* In the article, Plaintiff's daughter's name appears in the caption below a photograph. The image in the photocopy of the photograph that was submitted is completely obscured.

Plaintiff relies on Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1. The criminal rules are inapplicable in this civil case. Rule 5.2 of the Rules of Civil Procedure 5.2(a) provides for redaction of the name of a minor child. However, Rule 5.2(h) provides for waiver of this protection when the person files it without redaction and not under seal. *See Roach v. Graco Children's Products, Inc.*, 2010 WL 3603349, *1 (E.D. Tenn. 2010)(finding waiver of Rule 5.2(a) protection regarding minor's name); *Wimbush ex rel. Wimbush v.*

Comm'r of Social Security, 2011 WL 40575, at *1, fn. 1 (S.D.N.Y. 2011)(same). In addition, the Plaintiff in this case provided his daughter's name and consented to publication of the photograph to a publically available magazine article. This fact also demonstrates waiver, and contradicts Plaintiff's implicit claim that any privacy interests outweigh the general rule of public disclosure of court filings.

Accordingly, Plaintiff's motion to redact [Doc. #21] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: June 28, 2019

CERTIFICATE OF SERVICE

I hereby certify on June 28, 2019 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on June 28, 2019.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen